

Notice of Rulemaking Hearing

Department of Commerce and Insurance
Tennessee State Board of Architectural and
Engineering Examiners

There will be a hearing before the Tennessee State Board of Architectural and Engineering Examiners to consider the promulgation of rules and amendments to rules pursuant to Tenn. Code Ann. § 62-2-203(c). The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-204, and will take place in Room 160 of the Davy Crockett Tower, located at 500 James Robertson Parkway in Nashville, Tennessee at 9:00 a.m. (CST) on January 17, 2002.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Commerce and Insurance to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings) to allow time for the Department to determine how it may reasonably provide such aid or service. Initial contact may be made with Verna Norris, the Department's ADA Coordinator, at 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243 at (615) 741-0481.

For a copy of this Notice of Rulemaking Hearing, contact the State Board of Architectural and Engineering Examiners, attention Barbara Bowling, Tennessee State Board of Architectural and Engineering Examiners, 500 James Robertson Parkway, 3rd Floor, Nashville, Tennessee 37243 at (615) 741-3221.

Substance of Proposed Rules

Chapter 0120-1

Registration Requirements and Procedures

Amendments

1. Rule 0120-1-.10 Education and Experience Requirements - Engineer is amended by deleting the text of paragraph (1)(b) and substituting instead the following language so that, as amended, paragraph (1)(b) shall read:

(1)(b) Nonaccredited foreign engineering programs. An engineering curriculum of four (4) years or more which is a non-ABET accredited foreign program shall be referred by the applicant at the applicant's expense to the Engineering Credentials Evaluation International (ECEI) of the ABET for evaluation and recommendation. If, in the opinion of the ECEI, the curriculum for the degree at the time of the applicant's graduation is substantially equivalent to ABET accreditation requirements, the applicant shall submit his application in accordance with the requirements for applicants holding engineering degrees from institutions which do not have ABET accredited engineering programs in consideration of the factors outlined below.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-401.

2. Rule 0120-1-.11 Education and Experience Requirements - Architect is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:
 - (1) For the purpose of evaluating the education and experience of applicants for examination and registration as an architect, the Board will utilize the "Table of Equivalents" contained in Appendix "A" to Circular of Information No. 1, published in July 1993 by the National Council of Architectural Registration Boards, except to the extent that such document conflicts with any applicable statute.
 - (2) For the purpose of T.C.A. § 62-2-501(2), an approved "nonaccredited architectural curriculum" is an architectural curriculum of not less than four (4) years offered by a school of architecture as part of an architectural curriculum toward a National Architectural Accrediting Board (NAAB) accredited degree.
 - (3) For the purpose of T.C.A. § 62-2-501(3), an approved "architecture-related curriculum" is an architectural engineering or

architectural engineering technology curriculum accredited by the Accreditation Board for Engineering and Technology (ABET).

- (4) Effective December 1, 1984, an applicant for the required examination for registration as an architect shall have completed the Intern-Architect Development Program (IDP) of the NCARB.
- (5) An applicant for registration by comity shall submit proof acceptable to the board of having obtained the practical experience in architectural work required by T.C.A. §§ 62-2-501 and 62-2-503.

Authority: T.C.A. §§ 62-2-203(c), 62-2-501 and 62-2-503.

Chapter 0120-2

Rules of Professional Conduct

Amendments

3. Rule 0120-2-.02 Proper Conduct of Practice is amended by adding the following language after paragraph (3) as a new paragraph (4):
 - (4) The registrant shall maintain the continuing education records required by rule 0120-5-.10 [Records] for a period of four (4) years and shall furnish such records to the Board for audit verification purposes within thirty (30) days of the Board's request.

Authority: T.C.A. §§ 62-2-203(c), (d) and 62-2-308.

Chapter 0120-4

Interior Designers

Amendments

4. Rule 0120-4-.02 Applicability is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

Unless otherwise indicated, the provisions of this Chapter shall apply to all applicants for registration as registered interior designers and all registered interior designers.

Authority: T.C.A. § 62-2-203(c).

5. Rule 0120-4-.03 Applications is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

(1) Each application for registration as a registered interior designer must be at least twenty-one (21) years old and must not have been convicted of any offense that bears directly on the applicant's fitness to be registered as determined by the Board. The applicant shall indicate his or her age and shall give a full explanation of any conviction of any offense on a form provided by the Board.

(2) An application for registration as a registered interior designer under the provisions of T.C.A. § 62-2-904 (registration requiring examination), shall be made on a form prescribed by the Board and shall be accompanied by a nonrefundable fee of fifty-five dollars (\$55.00). The applicant shall provide the Board with NCIDQ examination verification or equivalent examination verification by submitting the following to the examination sponsor:

- (a) An examination verification form supplied by the Board; and
- (b) The fee, if any, charged by the examination sponsor for verification.

Authority: T.C.A. §§ 62-2-203(c), 62-2-301(a), 62-2-904 and 62-2-905.

6. Rule 0120-4-.04 Education Requirements is amended by deleting the text of paragraph (1) and substituting instead the following language so that, as amended, paragraph (1) shall read:
 - (1) Except as provided by T.C.A. § 62-2-905 (registration without examination), the education requirements for an applicant for registration as a registered interior designer shall be those prescribed in T.C.A. § 62-2-904(a).

Authority: T.C.A. §§ 62-2-203(c) and 62-2-904(a).

7. Rule 0120-4-.05 Experience Requirements is amended by deleting the text of paragraph (1) and substituting instead the following language so that, as amended, paragraph (1) shall read:
- (1) Except as provided by T.C.A. § 62-2-905, (registration without examination), the experience requirements for an applicant for registration as a registered interior designer shall be those prescribed in T.C.A. § 62-2-904 (registration with examination).

Authority: T.C.A. §§ 62-2-203(c) and 62-2-904(a).

8. Rule 0120-4-.08 Renewal of Registration is amended by deleting the text of paragraphs (1) and (2) and substituting instead the following language so that, as amended, paragraphs (1) and (2) shall read:
- (1) All certificates of registration issued to a registered interior designer are subject to biennial renewal (every two (2) years) in accordance with the provisions of T.C.A. § 56-1-302(b).
- (2) The fee for biennial renewal of certificates of registration for registered interior designers shall be in the amount of one hundred forty dollars (\$140.00).

Authority: T.C.A. §§ 56-1-302(b), 62-2-203(c), 62-2-301(a) and 62-2-307(a).

9. Rule 0120-4-.09 Registration Without Examination is amended by deleting the text of paragraph (1) and substituting instead the following language so that, as amended, paragraph (1) shall read:
- (1) The education and experience requirements for an applicant for registration as a registered interior designer without examination shall be those prescribed in T.C.A. § 62-2-905.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-905.

10. Rule 0120-4-.10 Professional Conduct is amended by deleting the text of paragraph (1) and substituting instead the following language so that, as amended, paragraph (1) shall read:
- (1) The registrant shall comply with all applicable laws, regulations and codes governing the practice of interior design, and the use of the title “registered interior designer.”

Authority: T.C.A. § 62-2-203(c).

Chapter 0120-5
Continuing Education

Amendments

11. Rule 0120-5-.10 Records is amended by deleting the text of paragraph (3) and substituting instead the following language so that, as amended, paragraph (3) shall read:
- (3) Records must be maintained for a period of four (4) years, and copies must be furnished to the Board for audit verification purposes within thirty (30) days of the Board's request.

Authority: T.C.A. § 62-2-203(d).

12. Rule 0120-5-.10 Records is further amended by adding the following language after paragraph (3) as a new paragraph (4):
- (4) Any registrant who fails to comply with the requirements of this rule may be deemed by the Board to have violated rule 0120-2-.02 [Proper Conduct of Practice].

Authority: T.C.A. §§ 62-2-203(c), (d) and 62-2-308.

13. Rule 0120-5-.12 Noncompliance is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:
- (1) Unless a request for inactive or retired status is made, any registrant failing to furnish the required certification during the renewal period, properly completed and signed, shall not be granted renewal of registration by the Board.
- (2) Certificates of registration shall be subject to late renewal for six (6) months following their expiration date by payment of the renewal fee, plus a late penalty as set by the Board, along with a properly completed and signed renewal form indicating that all continuing education requirements for the renewal period have been completed. The applicant for late renewal of certification may not offer to engage in the practice of or engage in the practice of architecture, engineering or landscape architecture, or use the title “registered interior designer”, until all late renewal requirements have been met.
- (3) Any person wishing to renew a certificate later than six (6) months after its expiration shall reapply for registration.

Authority: T.C.A. §§ 62-2-203(d) and 62-2-307.

Comments on Proposed Rules

The Board requests your feedback on the proposed amendments and additions to the rules. You may e-mail (bbowling@mail.state.tn.us) or write to Barbara Bowling, Executive Director, at the Board Office prior to January 17, 2002. Ms. Bowling will distribute copies of your comments to each Board member prior to the rulemaking hearing. You are invited to offer comments on the proposals and attend the public hearing on January 17, 2002.

Special Note: The Board for Licensing Health Care Facilities has requested that we pass along the following information regarding new building code adoption relating to submission of plans for health care facilities. The Board ruled at their August hearing to adopt the 1999 Standard Building Code (SBC), 2000 National Fire Prevention Code (NFPA), and 2001 AIA Guidelines for Design and Construction of Hospital and Health Care Facilities. Effective January 1, 2002, the Tennessee Department of Health will require plans submission to meet these design regulations. All plans received prior to January 1, 2002 will be reviewed under the current 1997 SBC, 1997 NFPA, and 1996-97 AIA Guidelines, unless a preference for the newer codes is specified.

The Tennessee Department of Commerce and Insurance is committed to the principles of equal opportunity, equal access, and affirmative action. Contact the EEO Coordinator or ADA Coordinator at 615-741-0481, for TDD 615-741-7190.

Department of Commerce and Insurance Authorization No. 335192, 17,000 copies, December, 2001. This public document was promulgated at a cost of .08¢ per copy.

Return Service Requested

Tennessee Board of Architectural & Engineering Examiners
Department of Commerce and Insurance
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